

**TOWN OF PARACHUTE
ORDINANCE NO. 797-2021**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO,
AMENDING THE LINDAUER/ORONA ANNEXATION APPROVALS AND
ANNEXATION AGREEMENT**

WHEREAS, on February 2, 2021, Howard and Sarah Orona, Ivo and Betty Lindauer, and the Ivo and Betty Lindauer Revocable Trust (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as generally described in Exhibit A to the Petition (the “Annexation Property”), attached hereto and incorporated herein by reference;

WHEREAS, the Town Council, by Resolution 2021-03, found that Petition was in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107, as amended, established a date, time, and place for a hearing upon the Petition, and directed the Town Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2);

WHEREAS, upon notice and public hearing, the Town Council, by Resolution No. 2021-09 found the Annexation Property eligible for annexation, by Resolution No. 2021-10 approved an Annexation Agreement, and, by Ordinance No. 790-2021, approved the annexation of the Annexation Property (the “Lindauer/Orona Annexation”);

WHEREAS, the Lindauer/Orona Annexation was completed as a serial annexation pursuant to C.R.S. § 31-12-104(1);

WHEREAS, the annexation maps included with the Petition depicting the Annexation Property and the contiguity necessary for annexation under C.R.S. § 31-12-104 contained a technical error due to their failure to incorporate a Boundary Line Adjustment Plat recorded shortly before the Petition was filed (the “Original Maps”);

WHEREAS, as a result, the Petitioner submitted revised annexation maps of the Annexation Property to correct this technical error and maintain the necessary contiguity for serial annexation (the “Revised Maps”), which are enclosed hereto as **Exhibit 1**;

WHEREAS, Colorado Courts have held that “an immaterial variation from the requirements of [the Annexation Act] is not fatal, and annexation may not be voided when there has been substantial compliance.” *Bd. of County Comm'rs v. City of Aurora*, 62 P.3d 1049 (Colo. App. 2002).

WHEREAS, the Revised Maps did not substantively change the subject property ultimately annexed to the Town as the Annexation Property;

WHEREAS, despite the timely and appropriate submittal of the Revised Maps, the Original

Maps were attached in error to Resolution No. 2021-09, the Annexation Agreement approved by Resolution No. 2021-10, Ordinance No. 790-2021, and Ordinance No. 791-2021; and

WHEREAS, the Town Council wishes to amend the annexation approvals for the Lindauer/Orona Annexation to include the Revised Maps, and believes that doing so is in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

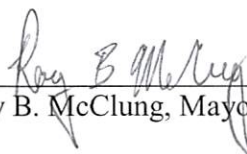
Section 2. The Town Council finds that Petitioner substantially complied with C.R.S. § 31-12-101, *et seq.* The Town Council hereby amends Resolution No. 2021-09, the Annexation Agreement approved Resolution No. 2022-10, Ordinance No. 790-2021, and Ordinance No. 791-2021 to repeal Exhibit A to each and replace it with the Revised Maps enclosed hereto as **Exhibit 1**, and reforms and ratifies such approvals accordingly. The Town Council hereby directs Staff to take such actions and make such filings required by C.R.S. § 31-12-101, *et seq.* to effectuate the annexation of the Annexation Property. The Town Council hereby ratifies all actions of the Town taken prior to the date of this Ordinance with respect to the Lindauer/Orona Annexation.

Section 3. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.


INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 19th day of August, 2021 and approved by the Mayor on the 16th day of August, 2021.

**TOWN COUNCIL OF THE TOWN OF
PARACHUTE, COLORADO**

By:


Roy B. McClung, Mayor

ATTEST:


Stuart McArthur, Town Manager



PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO,
AMENDING THE LINDAUER/ORONA ANNEXATION APPROVALS AND
ANNEXATION AGREEMENT**

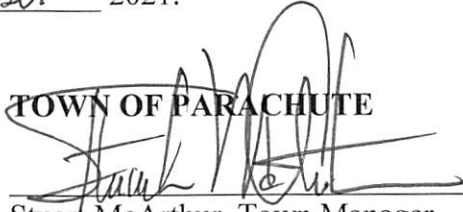
was introduced before the Town Council on September 16, 2021; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on September 16, 2021, and approved by the Mayor on September 16, 2021.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado, and available on the internet at <http://www.parachutecolorado.com>.

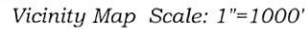
Dated this 16th day of September 2021.



TOWN OF PARACHUTE


Stuart McArthur, Town Manager

*A Parcel of Land Situate in the SE1/4SE1/4 of Section 2, SW1/4SW1/4 Section 1,
NE1/4NE1/4 Section 11 and W1/2NW1/4 Section 12,
Township 7 South, Range 96 West of the 6th P.M.
County of Garfield, State of Colorado*



ORDNA ANNEXATION PARCEL
TOTAL PERIMETER = 5,408.33'
CONTIGUOUS PERIMETER = 3224.30'
1/6 PERIMETER = 901.38'
TOTAL AREA = 34.832± ACRES

THE BOARD OF TRUSTEES OF THE TOWN OF PARACUTTE, COLORADO, BY RESOLUTION NO. _____, DULY ADOPTED ON THE _____ DAY OF _____, 2023, FOUND AND DETERMINED THE ANNEXATION OF THE PROPERTY DESIGNATED HEREIN COMPLY WITH THE REQUIREMENTS CONTAINED IN THE COLORADO CONSTITUTION AND ARTICLE 12, TITLE 31, C.R.S., AS AMENDED, AND THAT SAID PROPERTY IS ELIGIBLE FOR ANNEXATION TO THE TOWN OF PARACUTTE.

ATTEST: _____
TOWN CLERK

2. BASIS OF REWARDS FOR THIS SURVEY: (A) REWARDS OF \$4000*20*30 ALONG THE SOUTH LINE OF ROAD 34/4 OF SECTION 2 BETWEEN THE CENTER WEST 1/4 CORNER, A CORNER 3/4 OF 1/4 ALUMINUM CUP, PL. IN AREA, AND THE WEST 1/4 CORNER OF THE WEST 1/4 1/4 ALUMINUM CUP, AS SHOWN.
3. THIS AGREEMENT IS MADE IN BASED ON:
4. DATES PLACED IN THE RECORD OF THE DEPARTMENT, COUNTY, COLORADO CLARK AND RECORDS OF OFFICE: BOOK 1387, PAGE 33, SEPTEMBER 18, 2012
5. RECORD PAGES 236, 236, 236, 236, 236
6. REWARD FOR RIGHTS OF WAY AND EASEMENTS FOR REQUEST FROM THE TOWN OF PARACHUTE ARE BASED ON LAND LOTS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795,

I, MICHAEL J. LANGHORNE, HEREBY CERTIFY THAT THIS ANNOTATION PLAT ACCURATELY REPRESENTS A SURVEY PERFORMED EITHER BY ME OR UNDER MY SUPERVISION, OR BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, THAT NOT LESS THAN ONE-SIXTH (1/6) OF THE PERIMETER OF THE AREA AS SHOWN HEREON COINCIDES WITH THE EXISTING BOUNDARIES OF THE TOWN OF PRINCETON, COUNTY OF GARFIELD, COLORADO. THIS CERTIFICATE IS NOT INTENDED TO BE AN AFFIRMATION OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

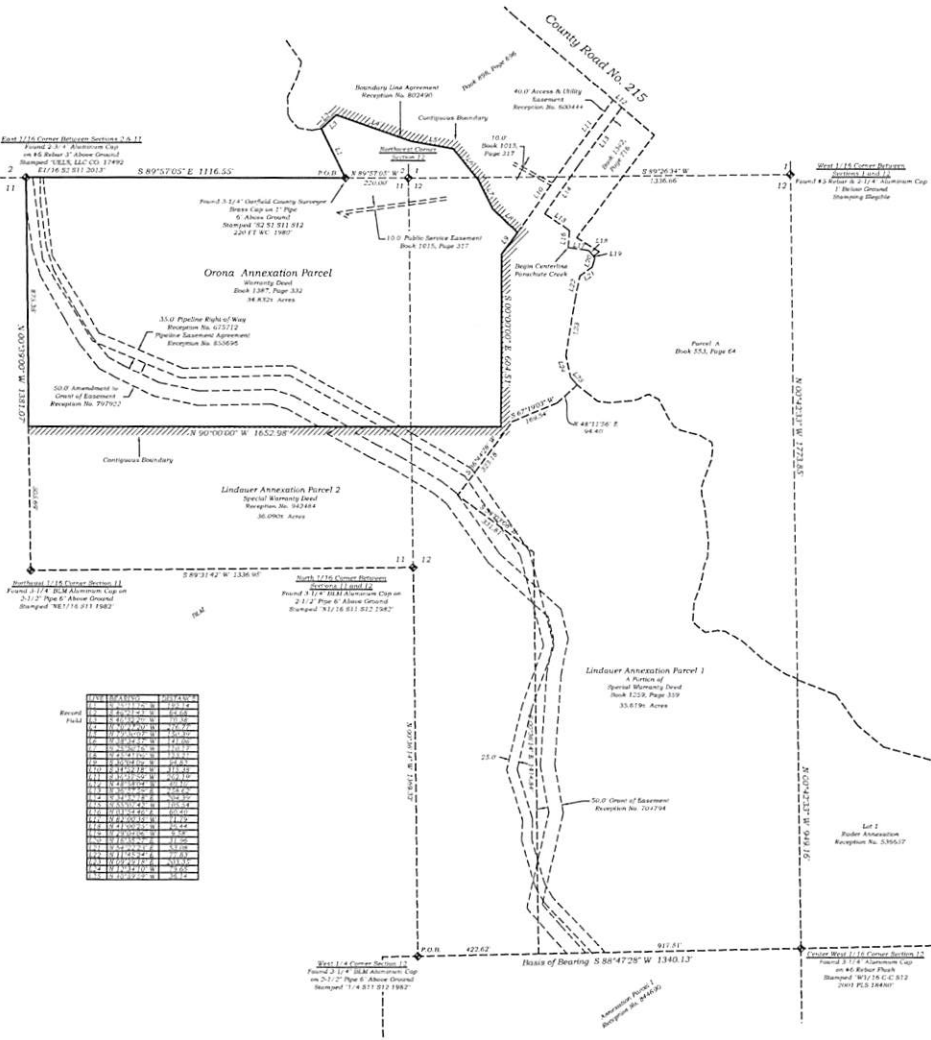
IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

DATE: _____

MOOREHEAD / LAMONTAGNE, P. 18 • 5/17

REVIEW



WE, HOWARD OROGA AND SARAH DEL OROGA, THE OWNERS OF 100 PERCENT OF THE FOLLOWING DESCRIBED PROPERTY, EXCLUDING ANY PUBLIC ACCESS AND ALLEY TO HWY,

A PARCEL OF LAND SITUATE IN THE SW1/4SW1/4 OF SECTION 1, SE1/4SE1/4 OF SECTION 2, NE1/4NE1/4 OF SECTION 11 AND THE NW1/4NW1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

HAVE BY THESE PRESENTS SURVEYED AND MAPPED THE SAME AS SHOWN HEREON AND DESIGNATED THE SAME AS THE

HOWARD DEORA
929 COUNTY ROAD 215
PARACHUTE, CO 81635

SARAH DEI DEORA
929 COUNTY ROAD 215
PARACHUTE, CO 81635

THE FOREGOING DEED AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D. 2021, BY _____

WITNESS MY HAND AND SEAL, NOTARY PUBLIC

THIS PLAT IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO,
AT _____ O'CLOCK _____ M., ON THE _____ DAY OF _____, 2021, AS RECEPTION NO. _____

CLERK AND RECORDER

BY: DAVID

| | |
|----------------------------------|---------|
| DOOR NUMBER | |
| ADD BASEMENTS PER TOWN REQUEST | 2/26/21 |
| REVISED TO SHOW ONLY ORION ANNEX | 3/11/21 |
| | |



BOOKCLIFF
Survey Services, Inc.

1000 E. Col. Ave. #1100
Denver, CO 80202
Tel: 303.733.1330
Fax: 303.733.1330
Post Off. Box 2774

ORONA
ANNEXATION MAP #2

ORONA/LINDAUER
9 LODGEPOLE CIRCLE
PARACHUTE, CO 81635

| | |
|-------------|---------|
| FILE: | ANNEX |
| OFF: | TL |
| CHK: | M.J. |
| DATE: | 1/14/21 |
| PROJECT NO. | |
| 20106-01 | |
| SHEET 1 | |
| OF 1 | |